

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATE OF AMERICA,

Plaintiff,

v.

AILEEN KREWSON,
Defendant.

CR 10-0867-WHA

STIPULATION AND ~~Proposed~~
ORDER SETTING DATES AND
EXCLUDING TIME

The parties hereby agree and stipulate to the following dates:

Defense will provide notice of Expert Evidence of Mental Condition and Expert Witnesses Pursuant to Federal Rule of Criminal Procedure, Rules 12.2(b) and 16(a)(1)(G) by May 15, 2011.

The United States will provide notice of Expert Witness pursuant to Federal Rule of Criminal Procedure, Rule 16(a)(1)(G) by June 20, 2011.

The parties will appear for a status conference on June 14, 2011, at 2:00 p.m.

As discussed at the parties' appearance on March 8, 2011, the parties further stipulate that in addition to the time from March 8, 2011 to May 16, 2011, the time from May 16, 2011 to that

time when the Court schedules a pretrial hearing, should also be excluded in computing the time within which the trial must commence. The trial in this matter, currently scheduled for June 6, 2011, will commence September 12, 2011, at 7:30 a.m.

Good cause exists for the approval of the stipulation. In March, Defendant retained an expert who agreed to perform the service at the agreed to rate and the client entered into a contract with the expert, with payment made. Expert's report was due April 1, 2011, but expert failed to produce. The expert contacted our firm to inform us that the report was forthcoming. The expert failed to provide the report at that time and opposing counsel was notified of the delay. Throughout the month of April, expert provided excuse after excuse as to the delay. At the end of April, at the last moment, expert notified the client that she would not be serving as expert in this case, and would not be providing the expert witness report as agreed upon, thus breaching the contract with Defendant.

Defendant is charged with a felony (18 U.S.C. 1920), a key element of which is intent to commit fraud alleged. A medical expert will best be able to demonstrate that the Defendant had no such intent, as she was, at the time of the allegations, under psychiatric treatment.

IT IS SO STIPULATED:

DATED: May 6, 2011

WALSTON CROSS, P.C.

/s/
Orestes A. Cross
Attorney for AILEEN KREWSON

DATED: MAY 6, 2011

MELINDA HAAG
United States Attorney

/s/
JONATHAN SCHMIDT
Assistant United States Attorney

1 The pretrial conference on May 16 and trial date of June 6 are **Vacated**.

2 The following dates are now set in this matter:

3 Status conference: June 14, 2011, at 2:00 p.m.

4 Pretrial conference: August 31, 2011, at 2:00 p.m.

5 Trial: September 12, 2011, at 7:30 a.m.

6 Pursuant to the parties' stipulation, time will be excluded from May 16, 2011, to
7 June 14, 2011. The parties need to conduct examinations of the mental condition
8 of the defendant. Failure to grant such a continuance would unreasonably deny
9 the defendant and the government the reasonable time necessary for effective
10 preparation, taking into account the exercise of due diligence. 18 U.S.C. 3161(h)
11 (1)(A) and (7)(B)(iv). The ends of justice served by the continuance outweigh the
12 best interest of the public and the defendant in a speedy trial.

13 **IT IS SO ORDERED.**

14 DATED: May 9, 2011.



15 WILLIAM ALSUP

16 United States District Judge